

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL DOCKET NO.: 5:07CV37-RLV**

**EMILY M. ARMSTRONG, a minor,            )**  
**by and through her Guardian ad litem,    )**  
**WILLIAM W. PLYLER,<sup>1</sup> WILLIAM E.        )**  
**ARMSTRONG, AND SANDRA                    )**  
**ARMSTRONG,                                    )**  
**Plaintiffs / Counter-Defendants,            )**

**vs.    )**

**ORDER**

**DR. ALDONA ZOFIA WOS, in her            )**  
**official capacity as secretary of the        )**  
**North Carolina Department of Health        )**  
**and Human Services,<sup>2</sup>                        )**  
**Defendant / Counter-Plaintiff.            )**

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**THIS MATTER** is before the Court *sua sponte* in light of the Supreme Court's decision in *Wos v. E.M.A. ex rel. Johnson*, decided March 20, 2013. 133 S.Ct. 1391 (2013).

On May 31, 2012, the Court imposed a stay of the case with the instruction and expectation that the parties would update the Court within thirty days of a ruling from the Supreme Court. (Doc. 39). Nothing has been filed or otherwise communicated to the Court since the Supreme Court ruled.

**IT IS, THEREFORE, ORDERED** that the parties shall file a Status Report no later than **Tuesday, September 17, 2013**, regarding the requested relief – specifically whether the Court must undertake the task of judicial allocation (dividing Plaintiff's tort settlement) for purposes of

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<sup>1</sup> Effective October 2, 2009, William W. Plyler was appointed and substituted for Stephanie J. Gibbs as guardian ad litem for Emily Armstrong. (Document #24.)

<sup>2</sup> Effective January 5, 2013, Dr. Aldona Zofia Wos replaced the originally named Defendant, Carmen Hooker Odom, as Secretary of the North Carolina Department of Health and Human Services.

Defendant's recovery of the portion of the award attributable to medical expenses.

Signed: September 10, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the text.

Richard L. Voorhees  
United States District Judge

